

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 William H Ball,
4

5 Plaintiff(s),

6 vs.

7 Stratosphere Gaming, LLC, et al.,
8

Defendant(s).

2:24-cv-00071-GMN-NJK

**ORDER GRANTING DEFENDANT'S
MOTION TO STAY THE EARLY
NEUTRAL EVALUATION (ECF NO. 21)
AND VACATING PRIOR ORDER (ECF NO.
9)**

9 The Court has reviewed the defendants' *Motion To Stay The Early Neutral Evaluation*. ECF No.
10 21. The plaintiff did not file an opposition. "The failure of an opposing party to file points and authorities
11 in response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for attorney's fees,
12 constitutes a consent to the granting of the motion." See Local Rule 7-2(d).

13 Since plaintiff has not opposed the motion and the time to do so has passed, the Court grants the
14 defendants' *Motion To Stay The Early Neutral Evaluation*. ECF No. 21.

15 **IT IS SO ORDERED** that:

- 16 1. Defendants' *Motion To Stay The Early Neutral Evaluation* (ECF No. 21) is GRANTED.
17 2. The previously scheduled Early Neutral Evaluation (ECF No. 9) is VACATED.

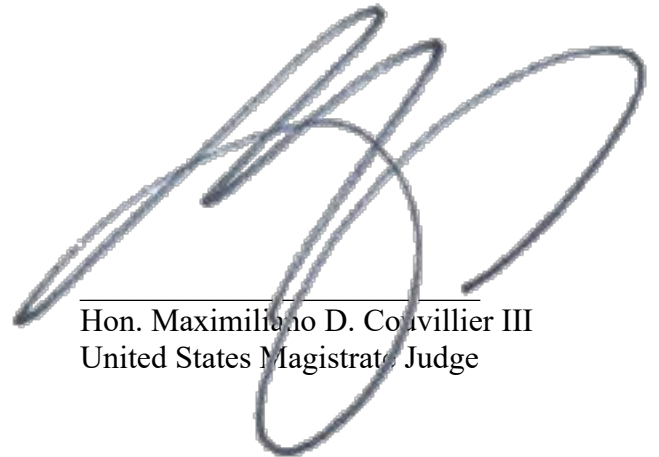
18 **NOTICE**

19 Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and
20 recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk
21 of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal
22 may determine that an appeal has been waived due to the failure to file objections within the specified
23 time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections
24 within the specified time and (2) failure to properly address and brief the objectionable issues waives the
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1 right to appeal the District Court's order and/or appeal factual issues from the order of the District Court.
2 *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452,
3 454 (9th Cir. 1983). Pursuant to LR IA 3-1, the plaintiff must immediately file written notification with
4 the court of any change of address. The notification must include proof of service upon each opposing
5 party's attorney, or upon the opposing party if the party is unrepresented by counsel. Failure to comply
6 with this order may result in dismissal of this case.

7 IT IS SO ORDERED.

8 Dated this 9th day of April 2024.

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11 
12 Hon. Maximiliano D. Convillier III
13 United States Magistrate Judge
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